

1 KE "JASON" WANG  
2 CHUNYAN "CATHY" GE  
3 WOODSIDE CAPITAL LLC  
4 MORGAN VENTURES LLC  
5 WALNUT VENTURE LLC  
6 660 Covington Rd.  
7 Los Altos CA 94024  
8 (650) 796-7118  
9 wangkejason@gmail.com

10 DEFENDANT'S IN PRO PER

11  
12 UNITED STATES DISTRICT COURT  
13  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 PEOPLE OF THE STATE OF CALIFORNIA )  
16 and COUNTY OF SANTA CLARA )

17 Plaintiff(s),

18 vs.

19 KE WANG, CHUNYAN GE, WOODSIDE  
20 CAPITAL LLC, WALNUT VENTURE  
21 LLC, MORGAN VENTURE LLC, AND  
22 DOES 1-100,

23 Defendant(s).

Case No.:

SVK  
C 20 05823  
NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(b) DIVERSITY BY  
DEFENDANT KE "JASON" WANG AND  
CHUNYAN "CATHY" GE

24 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

25 PLEASE TAKE NOTICE, that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants  
26 KE WANG, CHUNYAN GE, WOODSIDE CAPITAL, WALNUT VENTURE LLC, and  
27 MORGAN VENTURE LLC, jointly and severally, and proceeding *in pro per*, the defendants in this  
28 civil action, hereby removes this civil action from the Superior Court of California for the County of  
Santa Clara, where it is currently pending as Case No. 20CV368215, to the United States District  
Court for the Northern District of California.

**SUBJECT MATTER JURISDICTION**

The civil action being removed was initiated in the SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, on or about COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES, and was assigned docket number 20CV368215.

This Court has original jurisdiction over this action under 28 U.S.C. § 1332(a) on the grounds that complete diversity exists between all parties and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

As set forth more fully below, this Court has subject matter jurisdiction under 28 U.S.C. § 1332, which confers original jurisdiction of “all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different States and in which citizens or subjects of a foreign state are additional parties[.]”

“In actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation.” *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002) (quoting *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 347 (1977)). The Ninth Circuit employs the “either viewpoint” test to determine the value of the object of the litigation. *Corral v. Select Portfolio Servicing, Inc.*, 878 F.3d 770, 775 (9th Cir. 2017). “Under the ‘either viewpoint’ rule, the test for determining the amount in controversy is the pecuniary result to either party which the judgment would directly produce.” *In re Ford Motor Co./Citibank*, 264 F.3d 952, 959 (9th Cir. 2001).

Because all parties are citizens of different states and the amount in controversy exceeds \$75,000, removal on the basis of diversity should be allowed pursuant to 28 U.S.C. § 1441(b).

**COMPLETE DIVERSITY OF CITIZENSHIP EXSITS BETWEEN  
PLAINTIFFS AND ALL DEFENDANTS**

Plaintiff PEOPLE OF THE STATE OF CALIFORNIA and COUNTY OF SANTA CLARA ("Plaintiff") is a resident, citizen and domiciliary of the State of California.

Defendants KE "JASON" WANG and CHUNYAN "CATHY" GE, are citizens of the People's Republic of China, who are domiciled and reside at 736 Yingchun Road, Building 1, Room 301, Pudong District, Shanghai City, China, 200011.

WOODSIDE CAPITAL, WALNUT VENTURE LLC, and MORGAN VENTURE LLC are California limited liability companies with its principle place of business in the State of California, which is principally owned by Defendants KE "JASON" WANG and CHUNYAN "CATHY" GE, who are citizens of the People's Republic of China, who are domiciled and reside at 736 Yingchun Road, Building 1, Room 301, Pudong District, Shanghai City, China, 200011.

Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States...." Further, "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy ... is between ... *citizens of different states and in which citizens or subjects of a foreign state are additional parties....*" 28 U.S.C. § 1332(a)(3) (emphasis added). See Also *Transure, Inc. v. Marsh & McLennan, Inc.*, 766 F.2d 1297, 1298-99 (9th Cir.1985) (pursuant to § 1332(a)(3) presence of aliens on both sides does not defeat diversity when citizens of United States on both sides who satisfy diversity requirements); 28 U.S.C. § 1332(a)(3) (diversity jurisdiction extends to actions between "citizens of different States and in which citizens or subjects of a foreign state are additional parties").

1                   **THE OTHER PREREQUISITES FOR REMOVAL ARE SATISFIED**

2           This Notice of Removal is timely filed. The relevant statute provides that “[e]ach defendant  
3 shall have 30 days after receipt ... of the initial pleading ... to file the notice of removal.” 28 U.S.C.  
4 § 1446(b)(2)(B). Plaintiff filed the Complaint with the state court on July 9<sup>th</sup>, 2020. Defendants has  
5 been served with a copy of the Summons or Complaint, on July 21<sup>st</sup>, 2020.

6           This action is properly removed to the United States District Court for the Northern District  
7 of California, San Jose Courthouse, which is “the district and division embracing the place where  
8 [the] action is pending.” 28 U.S.C. § 1441(a); *see also* 28 U.S.C. § 84(c)(2) (listing the counties  
9 within the San Jose Court house of the Northern District of California).

10           Pursuant to 28 U.S.C. § 1446(d), a Notice to Adverse Party of Removal to Federal Court,  
11 attached hereto together with this Notice of Removal, will be served upon counsel for Plaintiff, and  
12 will be filed with the clerk of the Superior Court for the County of Santa Clara.

**DEFENDANTS HAVE COMPLIED WITH THE REQUIREMENTS FOR REMOVAL**

This action is removable under 28 U.S.C.A. § 1441(b) and the Defendants *Notice of Removal* is timely filed pursuant to 28 U.S.C.A. § 1446(a). The Defendants first received notice of the contents of the *Complaint For Injunctive Relief And Damages*, on July 21, 2020 when a copy was served on Defendant Ke Wang. Defendants Ke Wang, Chunyan Ge, Woodside Capital LLC, Walnut Venture LLC, and Morgan Venture LLC have joined in the removal of this case as evidenced by the signature below.

The following documents are attached as required by 28 U.S.C.A. § 1446(a).

Exhibit A – An index of the state court documents that are being filed with this Notice and that are included in Exhibit B;

Exhibit B – Copies of each document filed in state court, excluding discovery material, individually tabbed and arranged in chronological order in accordance with the state court file date.

1 By filing this Notice of Removal, Defendant(s) do not waive their right to seek to compel  
2 arbitration, or to object to jurisdiction over the person, or venue, and specifically reserves the right  
3 to assert any defenses and/or objections to which it may be qualified to assert.

4 If any question arises as to the propriety of the removal of this action, Defendant(s)  
5 respectfully requests the opportunity to submit briefing and oral argument and to conduct discovery  
6 in support of its position that subject matter jurisdiction exists.

7 DATED: August 13, 2020

8 /s/ KE "JASON" WANG  
9 KE "JASON" WANG  
10 660 Covington Rd.  
11 Los Altos CA 94024  
12 (650) 796-7118  
13 wangkejason@gmail.com

14 Defendant *In Pro Per*

15 /s/ CHUNYAN "CATHY" GE  
16 CHUNYAN "CATHY" GE  
17 660 Covington Rd.  
18 Los Altos CA 94024  
19 (650) 796-7118  
20 wangkejason@gmail.com

21 Defendant *In Pro Per*

22 /s/ WOODSIDE CAPITAL LLC  
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25 Los Altos CA 94024  
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28 Defendant *In Pro Per*

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/s/ MORGAN VENTURES LLC  
MORGAN VENTURES LLC  
660 Covington Rd.  
Los Altos CA 94024  
(650) 796-7118  
wangkejason@gmail.com

Defendant *In Pro Per*

/s/ WALNUT VENTURE LLC  
WALNUT VENTURE LLC  
660 Covington Rd.  
Los Altos CA 94024  
(650) 796-7118  
wangkejason@gmail.com

Defendant *In Pro Per*

**VERIFICATION OF KE "JASON" WANG**

My name is KE "JASON" WANG, who is over the age of 18, and of sound my and body. I am competent to testify to the facts herein because my testimony is based upon my personal knowledge of the events described herein. If granted the opportunity to testify before this court, my testimony will be the same as set forth herein.

I, the undersigned, hereby declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of August 2020, at Los Altos, California.

*KE "JASON" WANG*  
KE "JASON" WANG  
660 Covington Rd.  
Los Altos CA 94024  
(650) 796-7118  
wangkejason@gmail.com

Defendant *In Pro Per*



VERIFICATION OF CHUNYAN "CATHY" GE

My name is CHUNYAN "CATHY" GE, who is over the age of 18, and of sound my and body. I am competent to testify to the facts herein because my testimony is based upon my personal knowledge of the events described herein. If granted the opportunity to testify before this court, my testimony will be the same as set forth herein.

I, the undersigned, hereby declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on the 13<sup>th</sup> day of August 2020, at Los Altos, California.

/s/ CHUNYAN "CATHY" GE  
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Los Altos CA 94024  
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Defendant *In Pro Per*